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June 24, 2004



Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Art Unit: 1637
Examiner: T.E. Strzelecka
Conf. No.: 8452

Re: U.S. Patent Application Serial No. 09/404,520 filed September 23, 1999
Inventors: Yongwei CAO *et al.*
Title: *Emericella Nidulans Genome Sequence on Computer Readable Medium and Uses Thereof*
Atty. Dkt: 16517.081

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Authorization is hereby given to charge the statutory fee of \$330.00 for filing a Notice of Appeal to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.081. A duplicate copy of this letter is enclosed.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.081. A duplicate copy of this letter is enclosed.

Sincerely,



David R. Marsh (Reg. No. 41,408)

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Yongwei CAO *et al.*

Appl. No.: 09/404,520

Filed: September 23, 1999

Confirmation No.: 8452

Art Unit: 1637

Examiner: T.E. Strzelecka

Atty. Docket: 16517.081

For: Emericella Nidulans Genome Sequence on Computer Readable Medium and Uses
Thereof

**Notice of Appeal from the Examiner to the
Board of Patent Appeals and Interferences**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed March 24, 2004, that resulted in Applicants having claims that have been twice or finally rejected.

Authorization to charge the official fee for this filing is given in the accompanying transmittal letter.

06/28/2004 YPOLITE1 00000104 502387 09404520

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Respectfully submitted,



Thomas E. Holsten (Reg. No. 46,098)
David R. Marsh (Reg. No. 41,408)

Date: June 24, 2004

ARNOLD & PORTER LLP
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